IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2639 OF 2006

Manoj Gorakh Sonawane Applicant
versus
State of Maharashtra Respondent

Mr.Vikas Shivarkar for applicant.
Mr.P.S.Hingorani, APP for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 18th August 2006

PC :

1. Heard Shri Shivarkar for applicant and Shri Hingorani - APP for State.

2. My attention is invited by Shri Shivarkar to the orders passed in Criminal Application Nos.8381 of 2005 and 830 of 2006. These applications are by the accused who are arrested in connection with the same CR and charged with the same offence.

3. This Court has noted that in both cases there are no recoveries. There is no specific evidence against the applicants. Even motor cycle which was recovered was at the instance of other applicants before this Court.

4. Once these facts are noted, then, on the grounds of parity, even the present applicant is entitled to be enlarged on bail.

5. The prosecution was unable to point out any incriminating circumstance or recovery insofar as applicant is concerned. Therefore, although the offence alleged is serious in nature, in the absence of any materials produced and from a perusal of the charge sheet and the orders passed in the case of other accused who are identically situate, the applicant is entitled to bail.

6. Accordingly, he is released on bail in connection with subject CR in the sum of Rs.10,000/- (Rs.Ten thousand only) with one or two sureties in the like sum. The applicant shall report to Wanawadi Police Station twice in a month. The Trial Court shall not be influenced by the observations made by this Court while granting bail to the applicants and the same may not be treated as an expression of opinion on merits of the case.

7. Application is disposed of.

(S.C.DHARMADHIKARI, J.)